IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1000 OF 2004
IN
NOTICE OF MOTION NO.1757 OF 2003
IN
L.C. SUIT NO.2156 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's Order or Directions and Registrar's Orders	Court's or Judge's Orders

Mr.R.C. Kaushik for Appellant
Mr.J. Xavier for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 1, 2004**

. This Appeal from Order has been filed against the order dismissing the Notice of Motion. The challenge in the suit is to a notice issued under section 55 of the Maharashtra Regional Town Planing Act, 1966. A Civil Suit is barred under section 149 of the Act and hence, these proceedings would not lie to challenge the notice issued under section 55 of the Act.

2. In view of this, Mr.Kaushik seeks liberty to withdraw the Appeal from Order, however, with

liberty to file appropriate proceedings. He also undertakes to withdraw the suit.

3. Appeal from Order is accordingly allowed to be withdrawn and dismissed as such with liberty as prayed for.

4. Status quo as of today to be continued for a period of four weeks.

5. In view of the dismissal of the Appeal from Order, Civil Application No.1458 of 2004 does not survive and the same is disposed of accordingly.